

**OPINION**  
**46-83**

October 5, 1946            (OPINION)

CRIMES

RE: Duties of City Attorney and States Attorney

Your letter of October 4 addressed to the attorney general has been received and contents noted.

You state that you are the police magistrate of the City of Aneta and there are several cases of criminal nature coming before you. Some of these are violations of city ordinances and some are violations of state laws. The question is as to the respective duties of the city attorney and the states attorney.

Section 40-2001 North Dakota Revised Code of 1943 defines the duties of the city attorney. It is his duty to keep a docket of all cases to which the city may be a party in any court of record in which shall be entered briefly all steps taken in each such case, and such docket shall be open to public inspection at all reasonable hours, and further he must perform all other duties which may be prescribed by the governing body or by the ordinances of the city or the statutes of the state.

It is, of course, the duty of the city attorney to prosecute all violations of city ordinances as well as to appear for the city in all actions in which the city is interested. If an appeal is taken from any decision upon questions arising on the city ordinances, it is, of course, the duty of the city attorney to represent the city. If he needs assistance, he may with the consent of the governing body appoint an assistant as provided by section 40-2002.

NELS G. JOHNSON

Attorney General